

Naples City Council

March 12, 2015

Minutes

The regularly scheduled meeting of the Naples City Council was held March 12, 2015, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Larry Pilling, Winni Pilling, Carlene Slauch, Commissioner Raymond, McKay Esplin, Matt Esplin, Jim Harper, Mark Watkins, Connie Patton, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Gordon Kitchen offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. Kenneth Reynolds **moved** to approve the agenda. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the February 26, 2015 regular City Council meeting for approval. Councilman Kitchen stated he was not at the meeting of February 26th and noted several instances where it showed him voting in the affirmative in the minutes. Dennis Long **moved** to approve the minutes with the corrections. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything to follow up on from the previous meeting. Nothing was brought forward.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills for payment approval. The amount presented to the Council was \$111,344.82. Gordon Kitchen **moved** to approve the bills. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

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| Robert Hall | Aye |
| Dan Olsen | Aye |
| Dennis Long | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen | Aye |

A business license application was received from **AB Automotive** located at 573 S 1500 E. Joshua Bake reported that Dale Peterson did not recommended approval of this license at this time. He said there were a couple of issues dealing with the building and it was not ready. No action was taken.

BUSINESS LICENSE APPROVALS

A business license application was received from **Blue Northern Constructors** located at 1144 E 620 S. Joshua reported that Dale Peterson recommended approval for this license. Dan Olsen **moved** to approve the business license for Blue Northern Constructors. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Joshua Bake gave Council information on a request from Uintah County to speak with them about the airport fence at the end of 1750 South. Commissioner Mark Raymond thanked the Council for allowing him time to speak with them about this matter. Commissioner Raymond told the Council the FAA has certain rules and requirements and one of those is the airport fence be located 1' off the property line. He said with the solid wall fence they were going to put near Councilman Kitchen's home, the City's requirement includes a 4' landscaping strip. Commissioner Raymond said they approached the FAA about moving the fence back an additional amount so they could put the landscaping in front and that request was denied. Commissioner Raymond said, in an effort to move forward, they were petitioning the Council to amend the zoning ordinance or waive the requirement in this particular case so they can put up the wall fence and tie into it. Councilman Hall wanted to know how long this portion of the fence would be. Councilman Kitchen said his property is 360' and it would be that much less the road right-of-way. Commissioner Raymond asked if they would waive the 4' landscape strip. Councilman Kitchen said he has had conversations with the County about the fence and this requirement is in the ordinance. He said the FAA is very stiff on the rules and regulations and they won't budge on this. Councilman Kitchen just wasn't sure how the process should go on this. He didn't know if they could do it

DISCUSSION REGARDING THE AIRPORT FENCE AT THE 1750 SOUTH ROAD

in this meeting. Councilman Long wondered if they could waive this and if they had the power to do that. Councilman Hall was hesitant about waiving an ordinance. Joshua Bake said they could do an ordinance change or a variance but the variance process would take longer because they do not currently have a Board of Adjustment set up. Joshua said this would also need to start at Planning & Zoning because it is a land use ordinance change. Joshua said they would need to get the recommendation from Planning & Zoning and it will also require one public hearing. Councilman Kitchen asked how this would affect the timing. Mr. Anderson with Uintah County asked if he could speak. He said the timing for this is really important. He stated they are in the process of putting up the fence and they want the chain link fence to meet up with the wall fence. He said they can work on the chain link fence while they wait for an answer to this issue if that would be okay. Commissioner Raymond asked if it would be possible for the Council to give tentative approval, subject to the process being complete. Commissioner Raymond said if they did not get that approval then it would fall on them to take down the fence. Commissioner Raymond stated that Mr. Kitchen is okay with this and they are trying to complete the steps to make sure everything is legal, he thought there should be a way to do this. Mayor Baker said this would have to go back to Planning & Zoning and the soonest it could come back to Council would be the next meeting in March. Joshua said this will require a public hearing so it wouldn't be until April. Joshua said the Council is the final land use authority and even though they can't make a final decision at this meeting they could give some direction. Councilman Hall said they can state their intent. Mr. Anderson asked if the public hearing could be held on the 26th at City Council. Council discussed if that would give enough time. Councilman Kitchen wanted to know if that would allow the Planning Commission the right amount of time to discuss this. Councilman Olsen said the public hearing should be held in Planning & Zoning. Joshua said it is allowed to hold the public hearing in City Council but typically it should be held in Planning & Zoning. Councilman Hall said they can't give permission but they do have the Council's intent and they can take a calculated risk and put up the fence as the Council goes through the process the right way. Commissioner Raymond said they will follow their recommendation. Joshua said they will put the discussion on the agenda for the upcoming Planning meeting to at least give them time to think about it.

Councilman Kitchen asked Mr. Anderson about the Pehacek agreement for the irrigation lines that run through the airport. Mr. Anderson said they are still trying to figure that out and they discussed the two lines that run on the airport property. Councilman Kitchen wanted to make sure they understand the canal water line and the irrigation laterals are separate. Councilman Kitchen said if the FAA doesn't want the lines on the property they need to have agreements in place concerning the maintenance of the lines. Commissioner Raymond stated even the FAA concedes that irrigation lines have a priority right. He said their proposal to them would have helped move the line to the other side of the fence but as it stands now, if there are issues with the line, they will allow the people who do the maintenance on the property to fix them. Councilman Kitchen said the bigger concern is the one that will go under the runway. Commissioner Raymond said they will need to visit about that one.

Councilman Kitchen also asked about the turn around on Mr. Walker's property. He said there appears to be a 20-30' space between the turn around and the fence on the drawings. He wanted to know what will become of that area as far as maintenance. Mr. Raymond said if the County purchases that for the turn around then they will take care of it. Mr. Raymond said they are still in negotiations on that.

Carlene Slaugh came before the Council to request the use of Naples Park for the Rely for Life on June 5th and 6th. Ms. Slaugh said she is the marketing lead and a team captain for Relay for Life. She stated she has been involved in Relay for five years. Ms. Slaugh asked the Council if they would approve the use of the Naples Park again this year for the event. She said they enjoyed it very much last year. Ms. Slaugh gave information on how the Relay works and what they do at the park during this fund raiser. Ms. Slaugh stated that everyone has someone they know that has been affected by cancer and that it is the number two cause of death behind heart disease. Ms. Slaugh said the Relay celebrates survivors, remembers those who have lost the fight with cancer, and also asks people to take a personal commitment of better health. Ms. Slaugh reported the event held in this community is in the top ten in the western United States for fund raising. Ms. Slaugh thanked the Council for allowing them to use the park last year and wanted to ask if they could use it again this year. Ms. Piling asked if she could make a comment. Mayor Baker recognized Ms. Piling and

***REQUEST APPROVAL TO
USE NAPLES PARK FOR
RELAY FOR LIFE***

gave her the opportunity to comment. She stated they are not opposed to event but they are opposed to it going on all night because of the loud music. Ms. Slaugh stated the reason they hold it through the night is to remind people that cancer never sleeps. She said they do try and turn the music down at midnight. Ms. Piling said it never seemed to go down last year. Ms. Slaugh stated it was just one night a year and didn't think that was too much to ask. Councilman Hall stated it is a good cause and it is only one night a year and for that reason he **moved** to approve the request for the use of the Naples park. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Council members received a copy of Ordinance 15-169. Nikki Kay stated this was a revision of the GRAMA ordinance they received just a few months ago. The ordinance needed to be updated with the current Utah State codes. Dan Olsen **moved** to adopt Ordinance 15-169. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

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| Robert Hall | Aye |
| Dan Olsen | Aye |
| Dennis Long | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen | Aye |

Chief Watkins requested approval to purchase a new radio for one of the police vehicles because they are short one, the amount requested was \$700 and he stated it is in his budget. Robert Hall **moved** to approve the purchase for \$700. Dan Olsen **seconded** the motion. The motion passed with the following vote:

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| Gordon Kitchen | Aye |
| Kenneth Reynolds | Aye |
| Dennis Long | Aye |
| Dan Olsen | Aye |
| Robert Hall | Aye |

Chief Watkins asked approval to attend the Utah Chief's of Police conference in St. George. Chief Watkins requested \$512.60 for the travel. Dennis Long **moved** to approve the request of \$512.60. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote

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| Robert Hall | Aye |
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GRAMA ORDINANCE 15-169 AMENDING ORDINANCE 14-163

REQUEST TO PURCHASE NEW RADIO

APPROVE TRAVEL REQUEST FOR POLICE DEPARTMENT

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| Dan Olsen | Aye |
| Dennis Long | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen | Aye |

Council members received pictures of several items the road department wanted to surplus and also a few items from the city office. Gordon Kitchen stated he looked over the list and **moved** to approve this request. Dan Olsen **seconded** the motion. The motion passed with the following vote:

***REQUEST APPROVAL TO
SURPLUS ROAD
DEPARTMENT AND CITY
OFFICE ITEMS***

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| Robert Hall | Aye |
| Dan Olsen | Aye |
| Dennis Long | Aye |
| Kenneth Reynolds | Aye |
| Gordon Kitchen | Aye |

Jim Harper submitted a travel request for Ryan Cook and Szeth Simmons to attend the road school in St. George. He stated the classes offered are very good and it is also a way to network with other departments from around the State. The amount requested for travel was \$2,083.22. Kenneth Reynolds **moved** to approve the travel. Dennis Long **seconded** the motion. The motion passed with the following vote:

***TRAVEL REQUEST FOR
ROAD DEPARTMENT***

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|------------------|-----|
| Gordon Kitchen | Aye |
| Kenneth Reynolds | Aye |
| Dennis Long | Aye |
| Dan Olsen | Aye |
| Robert Hall | Aye |

Mayor Baker and Joshua Bake requested approval to travel to Salt Lake City and meet with the Governor. Joshua said they recently met with the owners of the Microtel and one of the individuals at the meeting offered to set up a meeting with the Governor to discuss the potential of brining a big box retail store to the Naples area. In the discussion the individual said they are interested in moving larger big box retailers to the rural communities and thought Naples City would be a great candidate and the person stated he has a lot of good connections with the upper management of this organization. Joshua said as he and the Mayor talked about this they thought it worth the effort even if nothing came of it. Joshua said they don't have an official travel request because plans have not been confirmed. Councilman Long wanted to know what the Governor had to do with this.

***TRAVEL APPROVAL FOR
MAYOR AND CITY
MANAGER***

Mayor Baker said the Governor has a committee that does economic development for rural communities and they would be meeting with them. Gordon Kitchen **moved** to approve the travel of Mayor Baker and Joshua. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

Councilman Hall asked the Mayor for a moment to recognize a young man attending the meeting who is working on a scout merit badge. Mayor Baker invited the young man and his mom to introduce themselves. McKay Esplin and Matt Esplin introduced themselves. Matt stated he was working on his citizenship in the community merit badge. He stated he was with troop 522. Councilman Hall asked Matt if he was going to get his eagle. Matt said he was.

Mayor Baker shared with Council his findings and thoughts on the Naples Justice Court. Mayor Baker said he visited with quite a few people about moving the court or keeping it here. Mayor Baker said he doesn't have an amount of what it would take to move the court but he did give some amounts for the salary of a court clerk. Mayor Baker said his intention was to move the court up to the county. He said he does feel like they need to update some of the processes. He thought a credit card reader is needed and he also thought the criteria for the person hired would be for them to be able to enter the court information as they go. Mayor Baker said as he has visited with everyone and took in the information he received, he reversed his opinion and wants to keep the court here. Chief Watkins said the police department usually does the UCJIS training for the court and it needs to be separated so he would need to keep in mind the cost of sending someone to that training. Mayor Baker said they discussed hiring one person and have that person help the City Administrator but the concern was the person hired might shift their focus primarily on the court. Mayor Baker's thoughts were to hire two part time people and have the administrative secretary cross trained on the court duties. Mayor Baker stated he hoped he did enough research to answer any questions the Council has. He said he did not approach the County Commissioners so the amount is unknown but he thought keeping the court here with two part time positions was the way to go. Councilman Olsen said he wanted to see the court stay here. Councilman Kitchen said he likes the idea of two part time people, it saves the City money plus it separates the two positions. Mayor Baker said he would like to see the City look into

RECOGNITION OF ATTENDANCE

DISCUSSION AND DECISION REGARDING NAPLES JUSTICE COURT

getting a credit card reader. Councilman Olsen thought they were very expensive. Joshua Bake said he helped get something like this set up in Casper for the court and there are companies out there wanting to work with courts and he could look into the options. Joshua said it really helps with the outstanding collections. Dan Olsen **moved** to proceed with setting up job applications for two part time positions and to post the jobs. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Mayor Baker wanted the Council to know they have run into a couple of issues regarding the form-based coding in relation to the fire station. He said they will discuss this at the next Planning & Zoning meeting. Mayor Baker asked the Council members, if possible, to try and attend that meeting and take part in the discussion.

Nikki Kay said the Council will also need to pass a Resolution to form a Naples Building Authority and those documents should be ready for the next council meeting.

Dan Olsen **moved** to adjourn the meeting at 8:30 p.m. Dennis Long **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

***O T H E R
M A T T E R S / F U T U R E
C O U N C I L M A T T E R S***

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 26th DAY OF MARCH 2015

BY: _____

ATTEST: _____